

IC 20-23

ARTICLE 23. ORGANIZATION OF SCHOOL CORPORATIONS

IC 20-23-1

Chapter 1. County Boards of Education

IC 20-23-1-1

Township trustees to constitute county board of education; meetings; powers and duties; funding

Sec. 1. (a) As used in this chapter, "board" means a county board of education.

(b) As used in this chapter, "county superintendent" means the county superintendent of schools.

(c) The township trustees of each township of each county constitute a county board of education.

(d) The board shall meet:

- (1) monthly at the office of the county superintendent; and
- (2) at other times as the county superintendent considers necessary.

(e) The county superintendent:

- (1) is ex officio chairperson of the board; and
- (2) shall act as administrator of the board, carrying out the acts and duties designated by the board.

(f) The secretary of the board shall keep an accurate record of the minutes of the board. The minutes shall be kept at the county superintendent's office.

(g) A quorum consists of a number of members equal to the number of township schools under the administration of the county superintendent. However, business may not be transacted unless a majority of the trustees of the township schools under the administration of the county superintendent is present. Business shall be transacted and the acts of the board become effective by a two-thirds (2/3) majority vote of members present on matters coming before the board.

(h) This chapter may not be construed as granting the board any authority over:

- (1) the selection or employment of any personnel or employees;
or
- (2) the purchase of supplies;

in a township school.

(i) Upon nomination by the county superintendent and with the approval of two-thirds (2/3) of the members, the board shall enter into written contracts with additional administrative and supervisory employees who are necessary for the proper administration and supervision of the county school system and the township schools of the county.

(j) Except as provided in subsection (i), funds for the salaries of and supplies for persons employed under this section shall be

provided in the same manner as the fixing and appropriation of the salaries of the county superintendent.

(k) The salary or fee of a school attorney related to performing the duties of the attorney's office may in part be paid directly from the school general fund.

(l) The board shall make decisions concerning the general conduct of the schools, which shall be enforced as entered upon the minutes recorded by the secretary of the board.

(m) The board:

(1) shall receive through its treasurer from the state money provided and distributed from the state for teaching units for those employed by the board; and

(2) is considered to fulfill all requirements of a school corporation for receiving the funds from the state.

(n) The county treasurer is ex officio treasurer of the board, eligible to receive the distribution of funds from the state. Funds received under this section shall be credited to the county general fund as a receipt against the estimated expenditures for the salaries of the school employees, for which distribution was made by the state.

As added by P.L.1-2005, SEC.7. Amended by P.L.2-2006, SEC.87.

IC 20-23-1-2

County superintendent; appointment; term

Sec. 2. The board by a majority vote of the members of the board shall appoint a county superintendent of schools who serves for a term of four (4) years. The board shall fill vacancies in this office, in accordance with law, by appointment. An appointment to fill a vacancy under this section expires at the end of the regular term of the county superintendent of schools.

As added by P.L.1-2005, SEC.7.

IC 20-23-1-3

Certain school corporations unaffected

Sec. 3. This chapter may not be construed to affect the status of or to interfere with a county school corporation created by a board under section 6 of this chapter.

As added by P.L.1-2005, SEC.7.

IC 20-23-1-4

Superintendent's duty to pay accrued interest to school corporations

Sec. 4. (a) A county superintendent of schools shall see that the full amount of interest on the money for the school corporations in the county is paid and apportioned.

(b) When there is a:

(1) deficit of interest on any school money; or

(2) loss of any school money;

by the county, the county superintendent of schools shall see that proper warrants are issued for the reimbursement of the appropriate

school corporation. However, the board of county commissioners may not pay interest that exceeds the amount provided under this chapter to the county superintendent of schools.

As added by P.L.1-2005, SEC.7. Amended by P.L.2-2006, SEC.88.

IC 20-23-1-5

Revenues due to state; duties of county superintendent

Sec. 5. (a) The official dockets, records, and books of account of the following officers serving in the county must be open at all times to the inspection of the county superintendent:

- (1) Clerks of the courts.
- (2) County auditor.
- (3) County commissioners.
- (4) Prosecuting attorneys.
- (5) Mayors of cities.
- (6) Township trustees.
- (7) School trustees.

(b) If the county superintendent finds that any of the officers described in subsection (a) have neglected or refused to collect and pay over interest, fines, forfeitures, licenses, or other claims due to the common school fund or other funds of the state, or have misapplied school money in their possession, the county superintendent shall:

- (1) bring an action in the name of the state of Indiana for the recovery of the money for the benefit of the common school fund or other funds of the state; and
- (2) make a report concerning the action to the board of county commissioners and to the state superintendent.

As added by P.L.1-2005, SEC.7. Amended by P.L.2-2006, SEC.89.

IC 20-23-1-6

County board of education; meetings; organizations; powers and duties; appointment of county superintendent

Sec. 6. (a) The township trustees of each township of each county shall perform all the civil functions performed before March 13, 1947, by the township trustees. The township trustees of the county constitute a county board of education to manage the affairs of the county school corporation created under this chapter in each county.

(b) School cities and school towns retain independent organization and administration unless abandoned as provided by law. The county school corporation includes all areas not organized on March 13, 1947, into jurisdictions controlled and governed as school cities or school towns.

(c) The board shall meet:

- (1) at the time the board designates at the office of the county superintendent; and
- (2) at other times and places the county superintendent considers necessary.

(d) At the first meeting of each year, to be held on the first Wednesday after the first Monday in January, the board shall

organize by selecting a president, a vice president, a secretary, and a treasurer from its membership.

(e) The county superintendent shall call the board into special session. Unless the board elects to have this section remain inoperative, the board shall organize itself. The failure of the county superintendent to call the board into session under this section may not be construed to mean that a county school corporation described in this section is in existence in the county, and a county school corporation may not be brought into existence until the board has met in special session after March 13, 1947, and has taken action to organize itself into a county school corporation, after consideration of the question of whether it should elect to have the provisions of this section remain inoperative. The organization, if affected, must be:

- (1) filed with the county auditor; and
- (2) published by the county auditor in two (2) newspapers of different political persuasions of general circulation throughout the county within ten (10) days after the filing.

The organization is considered to fulfill the requirements of this section for the transacting of public business under this section. The secretary of the board shall keep an accurate record of the minutes of the board, which shall be kept at the county superintendent's office. The county superintendent shall act as administrator of the board and shall carry out such acts and duties as shall be designated by the board. A quorum consists of two-thirds (2/3) of the members of the board.

(f) The board shall:

- (1) make decisions as to the general conduct of the schools that may be enforced as entered in the minutes recorded by the secretary of the board; and
- (2) exercise all powers exercised before March 13, 1947, by or through township trustees or meetings or petitions of the trustees of the county.

(g) The board shall appoint a county superintendent who serves a term of four (4) years. The board shall fill vacancies in this office by appointments that expire at the end of the regular term. The county superintendent and other persons employed for administrative or supervisory duties are considered to be supervisors of instruction.

(h) The government of the common schools of the county is vested in the board. The board has the authority, powers, privileges, duties, and obligations granted to or required of school cities before March 13, 1947, and school towns and their governing boards generally with reference to the following:

- (1) The purchase of supplies.
- (2) The purchase and sale of buildings, grounds, and equipment.
- (3) The erection of buildings.
- (4) The employment and dismissal of school personnel.
- (5) The right and power to sue and be sued in the name of the county.
- (6) Insuring property and employees.

(7) Making and executing a budget.

(8) Borrowing money.

(9) Paying the salaries and expenses of the county superintendent and employees as approved by the board.

(10) Any act necessary to the proper administration of the common schools of the county.

(i) A county school corporation organized under this section:

(1) has all right, title, and interest of the predecessor township school corporations terminated under this section to and in all the real, personal, and other property of any nature and from whatever source derived; and

(2) shall assume, pay, and be liable for all the indebtedness and liabilities of the predecessor school corporation.

(j) The treasurer, before entering upon the duties of treasurer's office, shall execute a bond to the acceptance of the county auditor in an amount equal to the largest sum of money that will be in the possession of the treasurer at any one (1) time conditioned as an ordinary official bond, with a reliable surety company or at least two (2) sufficient freehold sureties, who may not be members of the board, as surety or sureties on the treasurer's bond.

(k) The president and secretary shall each give bond, with a surety or sureties described in subsection (j), to be approved by the county auditor, in the sum of one-fourth (1/4) of the amount required of the treasurer under subsection (j). A board may purchase bonds from a reliable surety company and pay for them out of the special school revenue of the board's county.

(l) The powers set forth in this section may not be considered or construed to:

(1) limit the authority of a board to the powers expressly conferred in this section; or

(2) restrict or modify any authority granted by any other law not in conflict with this section.

As added by P.L.1-2005, SEC.7. Amended by P.L.2-2006, SEC.90.